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UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re	)	Case No. 12-64619-tmr13
	)	
Edward and Roxanne Scott,	)	Adv. Proc. No.
	)	
Debtors.	)	
	)	<b>COMPLAINT FOR WILLFUL</b>
	)	<b>VIOLATIONS OF THE AUTOMATIC</b>
	)	<b>STAY</b>
<hr/>	)	
<b>ROXANNE SCOTT,</b>	)	<b>11 U.S.C. § 362(k)</b>
	)	<b>11 U.S.C. § 105</b>
Plaintiff,	)	<b>28 U.S.C. § 2201(a)</b>
	)	
v.	)	
	)	
<b>SAMARITAN HEALTH SERVICES, INC.,</b>	)	
an Oregon corporation doing business under the	)	
assumed name <b>SAMARITAN HEALTH</b>	)	
<b>SERVICES.</b>	)	
	)	
Defendant.	)	
<hr/>	)	

1.

**INTRODUCTION**

Samaritan Health necessitates this action because it will not stop harassing Mrs. Scott to pay debt incurred before the commencement of her bankruptcy case, despite receiving notice of the automatic stay in writing and over the phone.

Mrs. Scott, by and through her trial attorney, Michael Fuller, alleges:

2.

**JURISDICTION AND THE PARTIES**

This is an adversary proceeding brought under 11 U.S.C. §§ 105 and 362(k), and 28 U.S.C. § 2201(a).

3.

This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1334 because the claims arise under federal law and are related to a case under Title 11.

4.

This adversary proceeding arises under and is related to the above-captioned bankruptcy case, filed under Chapter 13 of Title 11 now open in this Court, case number 12-64619-tmr13. The claims are core proceedings under 28 U.S.C. § 157. Mrs. Scott consents to final adjudication of her claims by this Honorable Bankruptcy Court.

5.

This is an action for declaratory relief, actual damages, statutory damages, punitive damages, mild sanctions, attorney's fees and costs brought by Debtor Roxanne Scott against Samaritan Heath Services, Inc. to remedy ongoing violations of the automatic stay.

6.

Mrs. Scott is an individual residing in Albany, Oregon and is the Debtor in the above-captioned Chapter 13 bankruptcy case.

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7.

Samaritan Health Services, Inc. ("Samaritan Health") is an Oregon corporation doing business under the assumed name Samaritan Health Services.

8.

**FACTUAL ALLEGATIONS**

Prior to filing for Chapter 13 bankruptcy protection, Mrs. Scott owed a debt to Samaritan Health.

9.

She filed for Chapter 13 bankruptcy protection in this Honorable Court on October 26, 2012.

10.

Mrs. Scott listed Samaritan Health on her schedule of creditors.

11.

On or around October 28, 2012, Samaritan Health received actual notice of the automatic stay in Mrs. Scott's bankruptcy case, including a court-generated notice from the Bankruptcy Noticing Center.

12.

The court-generated notice warned Samaritan Health that attempting to collect from Mrs. Scott in violation of the automatic stay may result in penalties.

13.

The court-generated notice informed Samaritan Health that Mrs. Scott was represented by an attorney and provided contact information for her attorney.

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2  
3 14.

4 On or around October 28, 2012 Samaritan Health was mailed actual written notice of  
5 Mrs. Scott's Chapter 13 Plan.

6 15.

7 On or around January 27, 2013 Samaritan Health was mailed actual written notice of this  
8 Honorable Court's order confirming Mrs. Scott's Chapter 13 Plan.

9  
10 16.

11 Mrs. Scott has not used Samaritan Health's products or services, or incurred debts with  
12 Samaritan Health after the filing date of her bankruptcy case.

13 17.

14 Samaritan Health never obtained relief from the automatic stay in Mrs. Scott's  
15 bankruptcy case.

16  
17 18.

18 After receiving actual written notice of Mrs. Scott's bankruptcy case and the automatic  
19 stay, Samaritan Health willfully harasses her in attempts to collect on a claim arising before the  
20 commencement of her bankruptcy case.

21  
22 19.

23 Samaritan Health harasses Mrs. Scott directly in writing at her home and threatens to turn  
24 her account over to third party debt collectors.

25 20.

26 Mrs. Scott told Samaritan Health about her bankruptcy case and the automatic stay over  
27 the phone but the harassment continues.  
28

21.

As a result of Samaritan Health's harassment, Mrs. Scott suffers actual damages, including severe ongoing stress and other negative emotions to be proven at trial.

22.

As a result of Samaritan Health's harassment, Mrs. Scott also suffers actual damages in the form of time spent and expenses including fees and costs to remedy Samaritan Health's violations.

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**CAUSES OF ACTION**

**FIRST CLAIM FOR RELIEF**

(WILLFUL VIOLATIONS OF THE AUTOMATIC STAY)

(11 U.S.C. § 362(k))

Mrs. Scott incorporates the above by reference.

24.

Samaritan Health's willful harassment violates the automatic stay and provides it an unfair advantage over other creditors.

25.

Samaritan Health's willful harassment continues despite written and verbal notice of the automatic stay. For this reason, punitive damages are appropriate.

26.

Mrs. Scott is injured as a result of Samaritan Health's willful violations, and so is entitled to actual damages, statutory damages, punitive damages, and mild sanctions against Samaritan Health pursuant to 11 U.S.C. § 362(k). Mrs. Scott is entitled to an award of the reasonable attorney's fees and costs necessary to obtain a determination or stipulation that Samaritan Health's attempts to collect from Mrs. Scott violate the automatic stay.

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27.

**SECOND CLAIM FOR RELIEF**

(DECLARATORY RELIEF)

(11 U.S.C. § 105 and 28 U.S.C. § 2201(a))

Mrs. Scott incorporates the above by reference.

28.

Mrs. Scott respectfully requests this Honorable Court issue an order declaring the following:

(a) Samaritan Health's attempts to collect from Mrs. Scott violate the automatic stay.

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2       **WHEREFORE**, Roxanne Scott prays for order and judgment against Samaritan Health  
3 Services, Inc. as follows:  
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- 5       A. Declaratory relief as requested in paragraph 28;
- 6       B. For an award of actual damages, statutory damages, punitive damages, and mild  
7       sanctions;
- 8       C. For an award of the reasonable attorney's fees and costs necessary to obtain a  
9       determination or stipulation that Samaritan Health's attempts to collect from Mrs.  
10       Scott violate the automatic stay;
- 11       D. For such other and further relief as this Court may deem just and proper.  
12  
13  
14

15 Dated: June 27, 2013

16       /s/ Michael Fuller  
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